

REMARKS

Claims 1-13, 15-35, 37, 39-43, 45-48, 51-62, and 64-74 are pending.

Claims 1-13, 15-35, 37, 39-43, 45-48, 51-62, and 64-74 stand rejected.

Claims 1, 2, 4, 7, 24, 27, 29, 30, 32, 51, 52, 54, 58, 60, and 70 have been amended.

Claim 25 has been cancelled without prejudice or disclaimer of the subject matter recited therein.

Claims 75-81 have been added. Support for claims 75-81 includes pages 11 and 13-14 of U.S. Provisional Patent Application 60/176,117, filed January 14, 2000. The present application claims priority to U.S. Provisional Patent Application 60/176,117 and incorporated U.S. Provisional Patent Application 60/176,117 by reference.

Former independent claims 1, 24, 51, and 70 have been amended to respectively depend from new independent claims 75, 77, 79, and 81.

Applicants invoke 35 U.S.C. § 112, 6th para. for claims 70-72 and 81.

(I) Claim Rejections - 35 U.S.C. § 103

Claims 1, 6, 19, and 73 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 6,901,430 issued to Smith (hereinafter “*Smith*”). Applicants respectfully traverse the rejection.

Applicants respectfully submit that *Smith* is not a proper reference under 35 U.S.C. § 103(a). *Smith* would qualify as a prior art reference under 35 U.S.C. § 102(e) only. However, the filing date of *Smith* is March 31, 2000, which is after the priority date of January 14, 2000 of the Present Application via U.S. Provisional Patent Application 60/176,117.

Smith claims an earlier priority date of U.S. Provisional Patent Application 60/163,755, filed on Nov. 5, 1999 (referred to herein as the “*Smith Provisional*”).

The *Smith Provisional* appears to set forth a proposed project plan for an Internet based build-to-order (BTO) system. The *Smith Provisional* indicates the goals of the BTO project include, “Implement the ability for consumers to order custom vehicles.” *Smith Provisional*, p. 39. The *Smith Provisional* states that, “A new vehicle order would be placed by consumers when no acceptable matches were found in the pipeline.” *Id.* The scope of the BTO project includes “providing consumers the ability to select, configure, price, and purchase a Ford, Lincoln or Mercury brand vehicle through the Internet.” *Id.*, pp. 40 and 47. A “Vehicle Locate Module” in the *Smith Provisional* “will perform searches within a central repository which consolidates new & used dealer inventory and the Ford pipeline (i.e. in-transit, in-pant, and unscheduled orders) to try and match existing vehicles to a consumer’s desired new vehicle configuration.” *Id.*, p. 47.

Applicants respectfully submit that the *Smith Provisional* fails to teach or suggest, for example, code executable by a processor to:

identify products stored in the memory based on two different types, (A) and (B), of product identification, wherein the code to identify products based on the two different types of product identification comprises code executable by the processor to:

- (A) search for products based on product features included in the product related data, if the product related data represents the one or more product features; and
identify one or more products stored in the memory that each include the one or more features, if the product related data represents the one or more product features; and
- (B) identify one or more products stored in the memory that are identified by a product model identifier, if the product related data represents the product model identifier.

Claims 75 and 77.

Applicants also respectfully submit that the *Smith Provisional* fails to teach or suggest, for example:

identifying products stored in a memory based on two different types, (A) and (B), of product identification, wherein the memory stores product configuration information for multiple products, the product configuration information includes product features, and the two different types of product identification comprise:

- (A) searching for products based on product features included in the product related data, if the product related data represents the one or more product features; and
identifying one or more products stored in the memory that each include the one or more features, if the product related data represents the one or more product features; and
- (B) identifying one or more products stored in the memory that are identified by a product model identifier, if the product related data represents the product model identifier.

Claim 79.

Applicants also respectfully submit that the *Smith Provisional* fails to teach or suggest, for example:

means for identifying products stored in a memory based on two different means, (A) and (B), for product identification, wherein the memory stores product configuration information for multiple products, the product configuration information includes product features, and the two different means for product identification comprise:

- (A) means for searching for products in the memory based on product features included in the product related data if the product related data represents the one or more product features;
and
means for identifying one or more products stored in the memory that each include the one or more features, if the product related data represents the one or more product features;
and

(B) means for identifying one or more products stored in the memory that are identified by a product model identifier, if the product related data represents the product model identifier.

Claim 81.

For at least these reasons, Applicants respectfully submit that claims 75, 77, 79, and 81 are allowable over *Smith* and the *Smith Provisional*. Claims 1, 6, 19, and 73 indirectly depend from claim 75, and Applicants respectfully submit that claims 1, 6, 19, and 73 are allowable for at least the same reason as claim 75.

(II) Claim Rejections - 35 U.S.C. § 103

Claims 4, 5, 13, and 15-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Smith* and further in view of official notice.

Claims 4-6, 13, 15-19 and 73 indirectly depend from claim 75, and Applicants respectfully submit that claims 4-6, 13, 15-19 and 73 are allowable for at least the same reason as claim 75.

(III) Claim Rejection - 35 U.S.C. § 103

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Smith* and official notice as applied to claim 1 and further in view of Neuborne et al. “Branding on the Net: The Old Rules Don’t Apply. So How Do You Hustle Those Wares Online?”

Claims 2 and 3 indirectly depend from claim 75, and Applicants respectfully submit that claims 2 and 3 are allowable for at least the same reason as claim 75.

(IV) Claim Rejections - 35 U.S.C. § 103

Claims 7-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Smith* and official notice as applied to claim 6 and further in view of the Microsoft Press Computer Dictionary.

Claims 7-12 indirectly depend from claim 75, and Applicants respectfully submit that claims 7-12 are allowable for at least the same reason as claim 75.

(V) Claim Rejections - 35 U.S.C. § 103

Claims 20-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Smith* and official notice as applied to claim 19 and further in view of the Microsoft Press Computer Dictionary.

Claims 19 and 20-23 indirectly depend from claim 75, and Applicants respectfully submit that claims 19 and 20-23 are allowable for at least the same reason as claim 75.

(VI) Claim Rejections - 35 U.S.C. § 103

Claims 24, 25, 37, and 74 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Smith*.

Claims 24, 25, 37, and 74 directly or indirectly depend from claim 77, and Applicants respectfully submit that claims 24, 25, 37, and 74 are allowable for at least the same reason as claim 77.

(VII) Claim Rejections - 35 U.S.C. § 103

Claim 26 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Smith* as applied to claim 24, and further in view of *Neuborne*.

Claim 26 indirectly depends from claim 77, and Applicants respectfully submit that claim 26 is allowable for at least the same reason as claim 77

(VIII) Claim Rejections - 35 U.S.C. § 103

Claims 27-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Smith* and *Neuborne* as applied to claim 24, and further in view of official notice.

Claims 28-29 indirectly depend from claim 77, and Applicants respectfully submit that claims 28-29 are allowable for at least the same reason as claim 77.

(IX) Claim Rejections - 35 U.S.C. § 103

Claims 39-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Smith* as applied to claim 24, and further in view of official notice.

Claims 39-43 indirectly depend from claim 77, and Applicants respectfully submit that claims 39-43 are allowable for at least the same reason as claim 77.

(X) Claim Rejections - 35 U.S.C. § 103

Claims 30-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Smith*, *Neuborne*, and official notice as applied to claim 29, and further in view of the Microsoft Press Computer Dictionary.

Claims 30-35 indirectly depend from claim 77, and Applicants respectfully submit that claims 30-35 are allowable for at least the same reason as claim 77.

(XI) Claim Rejections - 35 U.S.C. § 103

Claims 45-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Smith*, *Neuborne*, and official notice as applied to claim 29 and further in view of the Microsoft Press Computer Dictionary.

Claims 45-48 indirectly depend from claim 77, and Applicants respectfully submit that claims 45-48 are allowable for at least the same reason as claim 77.

(XII) Claim Rejections - 35 U.S.C. § 103

Claims 51-53, 57-59, and 64-69 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Smith*.

Claims 51-53, 57-59, and 64-69 directly or indirectly depend from claim 79, and Applicants respectfully submit that claims 51-53, 57-59, and 64-69 are allowable for at least the same reason as claim 79.

(XIII) Claim Rejections - 35 U.S.C. § 103

Claims 54-56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Smith* and official notice as applied to claim 51 and further in view of the Microsoft Press Computer Dictionary.

Claims 54-56 indirectly depend from claim 79, and Applicants respectfully submit that claims 54-56 are allowable for at least the same reason as claim 79.

(XIV) Claim Rejections - 35 U.S.C. § 103

Claims 60 and 61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Smith* and official notice as applied to claim 57 and further in view of the Microsoft Press Computer Dictionary.

Claims 60 and 61 indirectly depend from claim 79, and Applicants respectfully submit that claims 60 and 61 are allowable for at least the same reason as claim 79.

(XV) Claim Rejection - 35 U.S.C. § 103

Claim 62 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Smith* and official notice as applied to claim 51 and further in view of *Neuborne*.

Claim 62 indirectly depends from claim 79, and Applicants respectfully submit that claim 62 is allowable for at least the same reason as claim 79.

(XVI) Claim Rejections - 35 U.S.C. § 103

Claims 70 and 72 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Smith*.

Claims 70 and 72 directly or indirectly depend from claim 81, and Applicants respectfully submit that claims 70 and 72 are allowable for at least the same reason as claim 81.

(XVII) Claim Rejection - 35 U.S.C. § 103

Claim 71 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Smith* as applied to claim 70 and further in view of *Neuborne*.

Claim 71 indirectly depends from claim 81, and Applicants respectfully submit that claim 71 is allowable for at least the same reason as claim 81.

CONCLUSION

In view of the amendments and remarks set forth herein, Applicant respectfully submits that all pending claims are in condition for allowance. Accordingly, Applicant requests that a Notice of Allowance be issued. Nonetheless, should any issues remain that might be subject to resolution through a telephone interview, the Examiner is requested to telephone the undersigned at 512-338-9100.

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Respectfully submitted,

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